




COLLIN COUNTY

Public Works Department
700 A. Wilmeth Road
McKinney, Texas 75069
www.collincountytx.gov
972-548-3700 (Phone)
972-548-3754 (Fax)

Date: June 22, 2020
To: Commissioners Court
From: Jon Kleinheksel 
Re: Access Easement to City of McKinney

The City of McKinney will be widening Wilmeth Rd from west of the Public Works Service Center to Highway 5 to a four line divided concrete road. Public Works requested the City to add a right turn lane into Public Works' eastern drive to facilitate our truck turning movements. The City agreed and added the turn lane to the plans, but in doing so, because of the adjacent property configuration and narrow frontage onto Wilmeth, the City requested an access easement across County property connecting to the property to the east.

A legal description and drawing of the proposed easement is shown on the attached exhibits.

Public Works requests Commissioners Court's consideration and approval to grant an access easement to the City of McKinney across the Service Center property as shown on the attached exhibits. If you have any questions or concerns, feel free to contact me and I will respond accordingly.

AFTER RECORDING, RETURN TO:

**City Secretary
CITY OF MCKINNEY
P.O. Box 517
McKinney, Texas 75070**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

FIRE LANE AND MUTUAL ACCESS EASEMENT

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN

That *COLLIN COUNTY, TEXAS* ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by the *CITY OF MCKINNEY*, a Texas municipal corporation ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, does hereby GIVE, GRANT, and CONVEY unto Grantee a non-exclusive easement and right to construct, reconstruct and perpetually maintain (i) a fire lane facility and all necessary appurtenances thereto (the "Fire Lane Facilities") and (ii) mutual access facilities (the "Mutual Access Facilities") (the Fire Lane Facilities and the Mutual Access Facilities are hereinafter collectively referred to as the "Facilities") all in, on, under, over and across the following described property:

BEING 4,085 square feet or 0.0938 acres of land located in the Tola Dunn Survey, Abstract No. 284, City of McKinney, Collin County, Texas, and being part of a called 14.516 acre tract of land recorded in Volume 1872, Page 599 of the Deed Records of Collin County, Texas, and being more particularly described and depicted in Exhibit "A" attached hereto and made a part hereof ("Easement Property").

Grantor hereby grants to Grantee a temporary construction easement of twenty-five feet (25') running parallel along and abutting the north side of the Easement Property depicted in Exhibit "A", with rights of ingress and egress for the construction of roadway and related improvements, such temporary construction easement terminating upon completion of said roadway improvements.

The Grantee herein, its successors and assigns, shall have, and it is hereby granted, the right of ingress and egress over that portion of the servient estate as is reasonably necessary to and for the limited purpose of accessing and utilizing the Easement Property herein granted and to be able to travel, pass, cross or traverse from and between Tract 6 of the Tola Dunn Survey, Abstract No. 284 and Tract 8 of the Tola Dunn Survey, Abstract No. 284 in McKinney, Collin County, Texas.

Improvements approved by the Grantee may be placed on the Easement Property which are compatible with the use of the easement and Facilities.

There are no liens, attachments, or other encumbrances which will affect the title or right of the Grantor to convey this easement to the Grantee for the purposes as described herein. If such condition does exist, a signature with acknowledgment shall be included and made a part of this document conveying the rights and privileges contained herein, and subordinating any such lien or encumbrance to the easement granted herein.

TO HAVE AND TO HOLD the Easement Property unto the Grantee for the purposes herein set forth, Grantor hereby binds itself and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend the easement and rights granted herein unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or attempting to claim the same or any part thereof.

[Signatures begin on following page.]

WITNESS THE GRANTOR'S HAND this ____ day of _____, 2020.

GRANTOR:

COLLIN COUNTY, TEXAS

By: _____
Name: _____
Title: _____

APPROVED AS TO FORM:

Printed Name: _____
Title: _____
Office of the City Attorney

STATE OF TEXAS

COUNTY OF COLLIN

This instrument was acknowledged on this the ____ day of _____, 2020, by _____
as _____ of ***COLLIN COUNTY, TEXAS***, on behalf
of said entity.

Notary Public, State of Texas

EXHIBIT "A"

Description and Depiction of Property
(Consisting of the following three pages.)

**LEGAL DESCRIPTION OF A
0.0938 ACRE (4,085 SQUARE FOOT)
FIRE LANE AND MUTUAL ACCESS EASEMENT
SITUATED IN
TOLA DUNN SURVEY, ABSTRACT NO. 284
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS**

BEING a 0.0938 acre (4,085 square foot) tract of land situated in the Tola Dunn Survey, Abstract Number 284, City of McKinney, Collin County, Texas, and being part of a called 14.516 acre tract of land described in Deed to County of Collin, recorded in Volume 1872, Page 599 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described as follows:

COMMENCING at the intersection of the east line of said 14.516 acre tract and the north right-of-way line of Wilmeth Road (a variable width right-of-way), said corner being on the west line of a called 14.231 acre tract of land described in General Warranty Deed to Donald M. Motsenbocker, recorded in Instrument Number 20071217001671490 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.);

THENCE South 89 degrees 54 minutes 23 seconds West, with the north right-of-way line of said Wilmeth Road, a distance of 21.08 feet to a corner (not monumented) for the **POINT OF BEGINNING**;

THENCE South 89 degrees 54 minutes 23 seconds West, continuing with said north right-of-way line, a distance of 36.00 feet to a corner (not monumented);

THENCE over and across said 14.516 acre tract, the following bearings and distances:

North 00 degrees 01 minute 38 seconds East, departing the north right-of-way line of said Wilmeth Road, a distance of 93.00 feet to a corner (not monumented);

South 89 degrees 54 minutes 23 seconds East, a distance of 57.10 feet to a corner (not monumented) on the east line of said 14.516 acre tract and the west line of said 14.231 acre tract;

THENCE South 00 degrees 01 minute 38 seconds West, with the east line of said 14.516 acre tract and the west line of said 14.231 acre tract, a distance of 27.33 feet to the point of curvature (not monumented) of a non-tangent circular curve to the left, having a radius of 30.00 feet, whose chord bears South 36 degrees 24 minutes 12 seconds West, 35.58 feet;

THENCE over and across said 14.516 acre tract, the following bearings and distances:

Southwesterly, departing said east and west line, departing the east line of said 14.516 acre tract and the west line of said 14.231 acre tract, and with said curve, through a central angle of 72 degrees 45 minutes 07 seconds, an arc distance of 38.09 feet to a corner (not monumented);

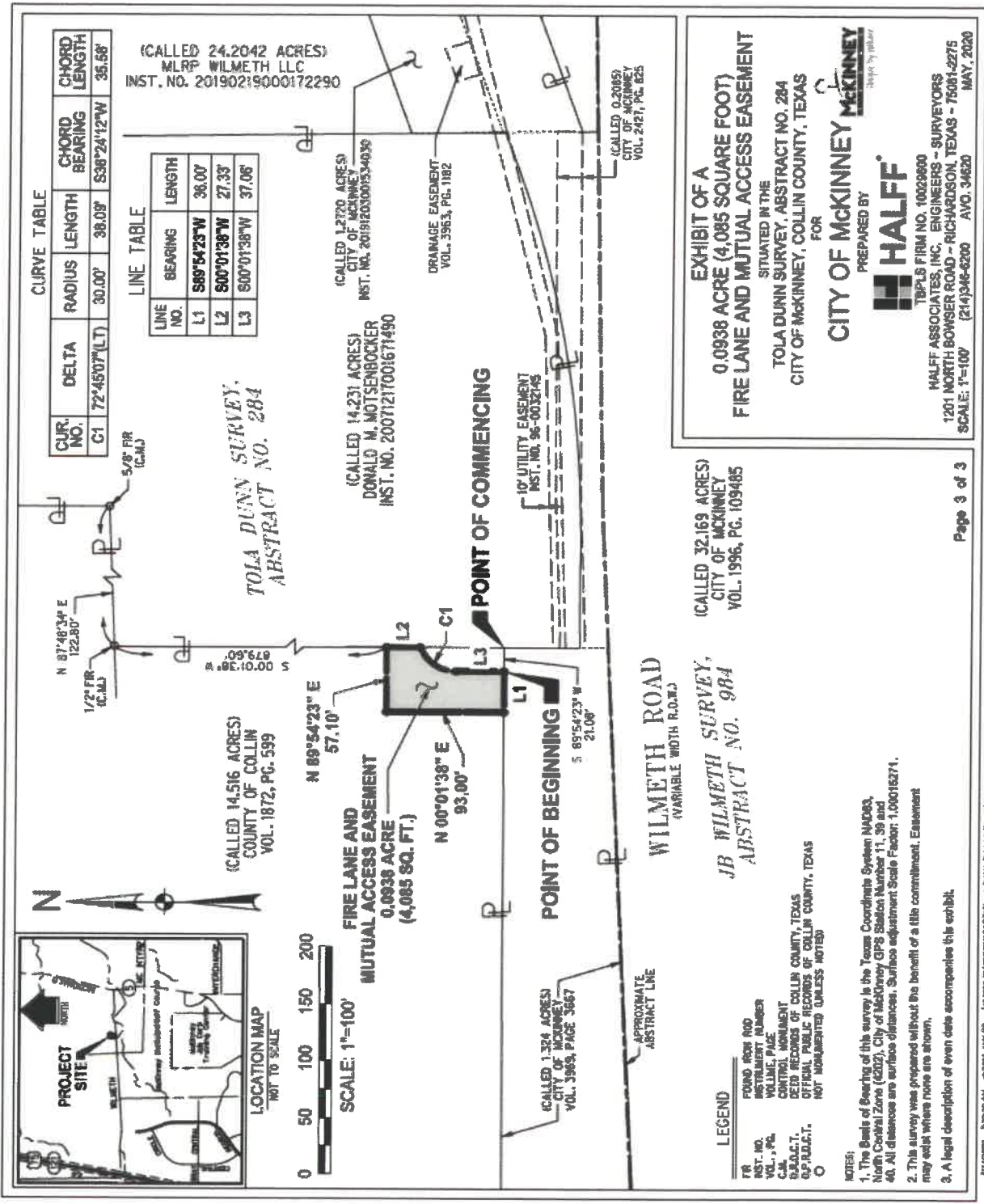
**LEGAL DESCRIPTION OF A
0.0938 ACRE (4,085 SQUARE FOOT)
FIRE LANE AND MUTUAL ACCESS EASEMENT
SITUATED IN
TOLA DUNN SURVEY, ABSTRACT NO. 284
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS**

South 00 degrees 01 minute 38 seconds West, a distance of 37.06 feet to the **POINT OF BEGINNING AND CONTAINING** 0.0938 of an acre (4,085 square feet) of land, more or less.

The Basis of Bearing of this survey is the Texas Coordinate System NAD83, North Central Zone (4202), City of McKinney GPS Station Number 11, 39, and 40. All distances are surface distances. Surface adjustment Scale Factor: 1.00015271.

This survey was prepared without the benefit of a title commitment. Easement may exist where none are shown.

An exhibit of even date accompanies this description.



CURVE TABLE

CUR. NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	72°45'07"(LT)	30.00'	38.00'	S38°24'12"W	35.58'

LINE TABLE

LINE NO.	BEARING	LENGTH
L1	S89°54'23"W	38.00'
L2	S00°01'38"W	27.33'
L3	S00°01'38"W	37.06'

**EXHIBIT OF A
0.0938 ACRE (4,085 SQUARE FOOT)
FIRE LANE AND MUTUAL ACCESS EASEMENT**

SITUATED IN THE
TOLA DUNN SURVEY, ABSTRACT NO. 284
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS

FOR
CITY OF MCKINNEY

PREPARED BY
HALFF
TBPLS FIRM NO. 10028600
HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS
1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS - 75081-2275
SCALE: 1"=100' (214)346-6200 AVO. 34620 MAY, 2020

(CALLED 14,516 ACRES)
COUNTY OF COLLIN
VOL. 1872, PG. 599

(CALLED 14,231 ACRES)
DONALD M. NOTSENBOCKER
INST. NO. 20071217001671490

(CALLED 1,2720 ACRES)
CITY OF MCKINNEY
INST. NO. 20191203001534030

(CALLED 0.2085)
CITY OF MCKINNEY
VOL. 2427, PG. 625

(CALLED 32.169 ACRES)
CITY OF MCKINNEY
VOL. 1996, PG. 109485

(CALLED 1.324 ACRES)
CITY OF MCKINNEY
VOL. 3965, PAGE 3667

WILMETH ROAD
(VARIABLE WIDTH R.O.W.)

**JB WILMETH SURVEY,
ABSTRACT NO. 984**

LEGEND




- FR FOUND FROM ROD
- INST. NO. INSTRUMENT NUMBER
- VOL., PG. VOLUME, PAGE
- C.M. CONTROL MONUMENT
- S.A.D.C.T. DECED RECORDS OF COLLIN COUNTY, TEXAS
- R.O.W. RIGHT OF WAY
- OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
- NOT INSTRUMENTED UNLESS NOTED

NOTES:

- The Basis of Bearing of this survey is the Texas Coordinate System NAD83, North Central Zone (6202), City of McKinney GPS Station Number T1, S9 and 40. All distances are surface distances. Surface adjustment Scale Factor: 1.00016371.
- This survey was prepared without the benefit of a title commitment. Easement may exist where none are shown.
- A legal description of even date accompanies this exhibit.

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EXHIBIT COLLIN COUNTY PUBLIC WORKS FIRE LANE AND MUTUAL ACCESS EASEMENT

- LEGEND**
-  PROP. FIRE LANE AND MUTUAL ACCESS EASEMENT
 -  PROPOSED CURB LINE
 -  EXISTING CURB LINE

